

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

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1991 NOV 15 A 8 25



November 12, 1992

Mr. Fraser Lockhart
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928



000030922

Key Bimler
Commissioner

Thomas M. Vernon, A.D.
Executive Director

Dear Mr. Lockhart:

The Colorado Department of Health Hazardous Materials and Waste Management Division, ("the Division"), has reviewed your letter of September 18, 1991 (91-DOE-7686) regarding the Solar Ponds IM/IRA.

The first issue raised in the above letter is, commencement of construction activities before the end of the public comment period. The Division will not allow commencement of "field remedial/corrective activities" which includes grading, earth moving, foundation work, or tank installation prior to the end of the public comment period or until ten days after a responsiveness summary has been issued which addresses comments made during the public comment period. The Interagency Agreement (IAG) specifically states, "DOE shall not commence any remedial/corrective activities associated with an IM/IRA until EPA and the State have approved the Final IM/IRA Decision Document and Responsiveness Summary. DOE shall make the EPA and State approved Final IM/IRA Decision Document and Responsiveness Summary available to all interested parties 10 days prior to commencing any field remedial/corrective activities associated with the IM/IRA," Section I.B.10 page 11 of the Statement of Work of the IAG.

The second issue raised in the September 18, 1991 letter is "abrogation of stipulated penalties associated with the IAG milestones for OU4, the Solar Ponds." Only the Milestones listed in Table 6 of the Statement of Work of the IAG have stipulated penalties associated with them. The next applicable milestone for the Solar Ponds in Table 6 is May 21, 1993. Milestones which are listed in the "Detailed Schedules" which are not listed Table 6, may be adjusted at DOE's discretion with a notification letter to EPA and the Division. The February 4, 1992 and August 19, 1992 milestones listed in the "Detailed Schedules" for the beginning and end of RFI Field Work are not subject to stipulated penalties.

We appreciate DOE's efforts to dry out the Solar Ponds as soon as possible but believe that the best interests of public and the three parties of the IAG can best be met by adhering to the terms labored over in the IAG.

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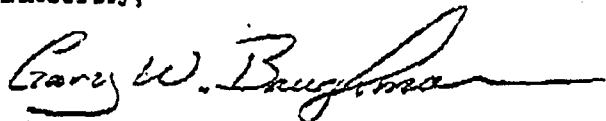
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If you have any questions regarding this matter, please feel free to contact Noreen Matsuura of my staff at 331-4920.

Sincerely,

A handwritten signature in cursive script, reading "Gary W. Baughman". The signature is written in dark ink and is positioned above the typed name and title.

Gary W. Baughman, Unit Leader
Hazardous Materials Facilities
Hazardous Materials and Waste Management Division

cc:

Joe Wienand, DOE
Tom Lukow, DOE
Brent Lewis, DOE
M. Hestmark, EPA
B. Barry, RFP
Dan Miller, AGO